

1 BUCHALTER
2 A Professional Corporation
3 KEVIN T. COLLINS (SBN: 185427)
4 ALISSA R. PLEAU-FULLER (SBN: 258907)
5 500 Capitol Mall, Suite 1900
Sacramento, CA 95814
Telephone: 916.945.5170
Email: kcollins@buchalter.com
apleaufuller@buchalter.com

6 Attorneys for Defendants
7 ONE TOUCH DIRECT, LLC, and
ONETOUCH DIRECT- SAN ANTONIO LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ROBERT ROSS,

Plaintiff,

VS.

AT&T MOBILITY, LLC, ONE TOUCH
DIRECT, LLC, and ONE TOUCH DIRECT-
SAN ANTONIO, LLC.

Defendant:

Case No. 4:19-cv-6669-JST

**JOINT STIPULATION AND REQUEST
TO CONTINUE TRIAL AND OTHER
RELATED DATES IN THE SCHEDULING
ORDER; AND [PROPOSED] ORDER**

CURRENT TRIAL DATE: November 29, 2021

REQUESTED TRIAL DATE: February 28, 2022

1 Plaintiff, Robert Ross (“Plaintiff”), and Defendants, AT&T Mobility, LLC, One Touch
 2 Direct, LLC (“OTD”), and OneTouch Direct – San Antonio LLC (“OTD-SA”) (collectively,
 3 “OTD Defendants”), through their counsel of record, hereby respectfully request that the Court
 4 continue the scheduled trial date and related dates pursuant to Civ. L.R. 7 and 40-1. The Plaintiff
 5 and Defendants (are collectively, referred to as the “Parties”).

6 IT IS HEREBY STIPULATED by and between the Parties as follows:

7 **A. Background Information**

8 1. Plaintiff filed his Complaint on October 17, 2019. (Dkt. 1.)

9 2. On May 19, 2020, the Court issued a Scheduling Order (Dkt. 42), which set
 10 various dates for the case.

11 3. On December 18, 2020, the Court granted Plaintiff’s Motion to File First
 12 Amended Complaint, naming the OTD Defendants as defendants for the first time in the matter.
 13 (Dkt. 69.)

14 4. Due to the OTD Defendants being recently added as defendants, on January 29,
 15 2021 they filed their answer to Plaintiff’s First Amended Complaint. However, discovery is set
 16 to close in less than three (3) months.

17 5. Accordingly, as the OTD Defendants are new parties to the case, the Parties
 18 respectfully request that the current dates in the Scheduling Order be extended by approximately
 19 three (3) months to accommodate discovery prior to trial. Below are the proposed continued
 20 dates.

<u>Event</u>	<u>Current Deadline</u>	<u>New Deadline</u>
Deadline to add parties or amend the pleadings	June 4, 2020	June 4, 2020
Fact discovery cut-off	April 9, 2021	July 8, 2021
Mediation deadline		
Expert disclosure	April 23, 2021	July 22, 2021
Expert rebuttal	May 28, 2021	August 26, 2021
Expert discovery cut-off	June 16, 2021	September 14, 2021
Deadline to file dispositive motions	July 14, 2021	October 12, 2021
Pretrial conference statement due	October 29, 2021	January 27, , 2022

<u>Event</u>	<u>Current Deadline</u>	<u>New Deadline</u>
Pretrial conference	November 5, 2021 at 2:00 pm	February 3, 2022
Trial	November 29, 2021	February 28, 2022
Estimated trial length (in days)	Ten	Ten

6. Good cause exists to continue the trial and related dates as OTD and OTD-SA
 7 have not had an opportunity to fully evaluate their defenses in the case and will need to conduct
 8 discovery. (Declaration of Alissa R. Pleau-Fuller filed concurrently herewith (“Pleau-Fuller
 9 Decl.”), ¶ 3.) This will require more time and a continuance of at least 90 days as to the various
 Scheduling Order dates. (*Id.*)

10 7. This is the first continuance requested by the Parties.

11 IT IS SO STIPULATED.

12 DATED: February 8, 2021

BUCHALTER, A Professional Corporation

14 By: /s/ Kevin T. Collins
 15 KEVIN T. COLLINS
 ALISSA R. PLEAU-FULLER
 16 Attorneys for Defendants
 ONE TOUCH DIRECT, LLC, and ONE
 17 TOUCH DIRECT- SAN ANTONIO, LLC

18 DATED: February 8, 2021

AFFELD GRIVAKES LLP

20 By: /s/ Christopher Grivakes
 21 CHRISTOPHER GRIVAKES
 DAMION ROBINSON
 22 Attorneys for Plaintiff
 ROBERT ROSS

23 DATED: February 8, 2021

GIBSON, DUNN & CRUTCHER LLP

25 By: /s/ Ashley Johnson
 26 MARCELLUS MCRAE
 ASHLEY JOHNSON
 27 Attorneys for Defendant
 AT&T Mobility, LLC

I, the undersigned, hereby attest that the other signatories have concurred in the filing of
this document as indicated by a conformed signature (/s/) within this e-filed document.

DATED: February 8, 2021

BUCHALTER, A Professional Corporation

By: /s/ Alissa R. Pleau-Fuller
KEVIN T. COLLINS
ALISSA R. PLEAU-FULLER
Attorneys for Defendants
ONE TOUCH DIRECT, LLC, and ONETOUCH
DIRECT- SAN ANTONIO, LLC

[PROPOSED] ORDER

Having read and considered the Joint Stipulation and Requests to Continue Trial and Other Related Dates in the Scheduling Order, and for good cause shown, the Stipulation is approved. The Court approves the Stipulation and Orders as follows:

<u>Event</u>	<u>Current Deadline</u>	<u>New Deadline</u>
Deadline to add parties or amend the pleadings	June 4, 2020	June 4, 2020
Fact discovery cut-off	April 9, 2021	July 8, 2021
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Estimated trial length (in days)	Ten	Ten

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

HON. JON S. TIGAR
United States District Court Judge